

## **REMARKS/ARGUMENTS**

Reconsideration of this application is requested. Claims 5-11 are in the case.

### **I. OBJECTION TO THE DISCLOSURE**

The Examiner has noted a typographical error at page 4, lines 11 and 12. In response, the disclosure has been amended to refer to a "940/4.0 density/melt index couple". No new matter is entered since this is supported by Figure 7 of the originally filed application.

### **II. THE 35 U.S.C. §112, SECOND PARAGRAPH, REJECTION**

Claims 5-10 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite for the reasons detailed on pages 2 and 3 of the Action. The claims have been amended in response to this rejection. The following comments are offered.

Claims 5-10 have been rejected as allegedly lacking clarity as to the meaning and significance of "RTSE value". In response, "RTSE" is a measurement of the Tensile Strength at Yield (RTSE is French and stands for "Résistance à la Traction au Seuil d' Ecoulement"). The tensile strength at yield is a standard mechanical property of a material, including polymers, and can be measured by a number of known techniques. Withdrawal of this lack of clarity objection is now respectfully requested.

Claim 6 has been objected to because of the phrase the identified in above step 5 (i.e. the temperature corresponding to a RTSE value of 4.4 for the d and MI values of the polyethylene powder to be produced)". In response, the expression in parentheses has been removed.

Claims 9 and 10 have been objected to as including preferred statements.

Claims 9 and 10 have been amended to remove the preferred statements and, in the case of claim 10, a further dependent claim has been presented to cover the subject matter cancelled from claim 10.

With regard to claim 9, claim 5 has been amended to include the feature of claim 9 that all the polymer grades require a heating temperature of at least 95°C according to its corresponding 4.2 RTSE value in the tables. Claim 9 now recites just the preferred range. The amendments made to the claims have been effected without prejudice to pursuing the subject matter corresponding to the originally presented claim scope in a separate continuing application.

Withdrawal of the outstanding 35 U.S.C. §112, second paragraph, rejection is now believed to be in order. Such action is respectfully requested.

### **III. THE ANTICIPATION REJECTION**

Claim 5 stands rejected under 35 U.S.C. §102(b) as allegedly anticipated by or, in the alternative, under 35 U.S.C. §103(a) as allegedly obvious over U.S. Patent 4,532,311 to Fulks et al. That rejection is respectfully traversed.

It is noted, with appreciation, that claims 6, 8, 9 and 10 are deemed to avoid the prior art. Based on that indication, and without conceding to the merit of the outstanding prior art rejections, claim 5 has been amended to incorporate the subject matter of claim 9 which is free of the prior art. Based on this amendment, it is believed the outstanding anticipation/obviousness rejections have been overcome. Reconsideration and withdrawal of the outstanding prior art rejections are accordingly respectfully requested.

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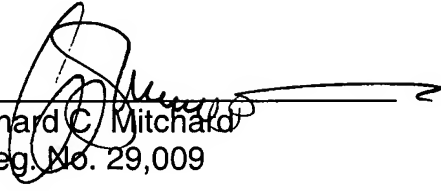
April 17, 2007

Favorable action is awaited.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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